

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT  
D. Berkland  
Deputy

IN RE THE MATTER OF  
CORTNEY D NOE

CORTNEY D NOE  
4518 N CONTINENTAL DRIVE  
GLENDALE AZ 85308

AND

NATHANIEL GARRETT BARNES

NATHANIEL GARRETT BARNES  
1742 WHALES RUN LN  
COUPEVILLE WA 98239

COMM. IRELAND

MINUTE ENTRY

Courtroom 122 – NWR

10:01 a.m. This is the time set for Resolution Management Conference / Respondent's Petition to Modify Custody, Parenting Time, and Child Support, filed on May 9, 2011. Petitioner is neither present nor represented by counsel. Respondent is present appearing telephonically on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held between the Court and Respondent/Father with regard to Father having relocated the children to Washington State and the Court's prior order requiring supervised parenting time to father due to the past history of significant domestic violence having occurred between Petitioner/Mother and Respondent/Father.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

Pursuant to the discussion held,

**IT IS ORDERED** setting the above-captioned case for **Evidentiary Hearing re: Respondent's Motion to Modify Custody and Parenting Time** on **March 1, 2012 at 10:30 a.m.** (1½ hours allotted) before the Honorable Jose S. Padilla, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are advised the Court will utilize a portion of the time for its ruling. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**FAMILY COURT PRE-TRIAL STATEMENT [FORM DRPTS 16F]**

**IT IS FURTHER ORDERED** that each party shall fully complete and file a Family Court Pre-Trial Statement [form DRPTS 16f] in proper form without argument, narrative statements or other documents, and provide a copy to the adverse party and to this Division at least 5 judicial days before the Conference. The Court is required to consider the reasonableness of each party's positions, including the failure to take a position, in any subsequent requests for attorney's fees made pursuant to A.R.S. §§ 25-324 and 12-349. The Resolution Statement may be obtained through the Self Service Center. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/familyCourt/pdf/resolutionStmt.pdf>.

**IT IS FURTHER ORDERED** that the Family Court Pre-Trial Statement [form DRPTS 16f] shall include:

1. A current Affidavit of Financial Circumstances along with recent paycheck stubs, W-2's, and tax returns completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of trial, or to timely present the Family Court Pre-Trial Statement [form DRPTS 16f] in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

**IT IS FURTHER ORDERED** that, if either party has more than 5 exhibits to be marked, counsel or the parties shall deliver said exhibits to the Clerk **at least five (5)** business days prior to trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

1. Counsel and/or the parties shall submit all exhibits to this division by 5:00 p.m. on February 23, 2012. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the hearing. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or not being marked at all.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. Do not staple the colored pages to the exhibits. Do not write or type on the colored pages. The clerk will reuse the colored pages if they are left blank. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. The exhibits shall be marked in the order received. For example, if Respondent's exhibits are received first, Respondent's exhibits will be marked first, i.e., Respondent's exhibits 1 through 5, and Petitioner's exhibits will follow Respondent's exhibits in number, i.e., Petitioner's exhibits 6 through 10.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

5. Duplicate exhibits shall not be presented.
6. The parties shall provide the adverse party with a separate copy of all exhibits.

Information regarding exhibits for parties not represented by counsel:

The Court does not automatically review exhibits. Each party will need to offer his/her exhibits into evidence during the hearing by stating to the Court that he/she is offering exhibit(s) 1, 2, 3, etc. The party will need to explain the relevance of each exhibit to the Court. Exhibits that are not received into evidence during the hearing will be returned to the party at the conclusion of the hearing without the Court reviewing the exhibit(s).

**IT IS FURTHER ORDERED** that the parties shall indicate in the Family Court Pre-Trial Statement [form DRPTS 16f] which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Family Court Pre-Trial Statement [form DRPTS 16f] shall be summarily admitted.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**SETTLEMENT**

**IT IS FURTHER ORDERED** in the event a full settlement is reached prior to the time of trial, the parties or counsel, if represented, **shall** present the formal written Consent Decree of Dissolution, Judgment or the agreement signed and notarized by all parties, prior to 5:00 p.m. the

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

**day prior to** the scheduled hearing[if set on the Court's morning calendar the following day, e.g., 9:00 to 11:55 a.m.] or not later than 9:00 a.m. on the day of hearing[if the hearing is set on the Court's afternoon calendar, e.g., 1:30 to 4:55 p.m.].

In the event the agreement has not been reduced to writing, then in that event, **all parties** and their counsel, if represented, shall appear at the time designated for hearing to recite the agreement on the record and have it entered as the order of the court pursuant to *Rule 69, (Arizona Rules of Family Law Procedure hereinafter AzRFLP)*.

If the signed Consent Decree, Judgment or agreement is not received by the Court pursuant to these guidelines, and the parties and/or their respective counsels, if any, fail to appear as ordered, the Court **shall dismiss the case in its entirety, without prejudice** and the matter **will not** be reinstated but for the most compelling of reasons. See *Rule 70(B)*.

**POSTPONEMENTS AND SCHEDULE CHANGES**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**DISCLOSURE/DISCOVERY**

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before **February 17, 2012**.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than **February 10, 2012**.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to hearing to conduct settlement discussions, prepare a Family Court Pre-Trial Statement [form DRPTS 16f], exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-070005

11/04/2011

required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

**IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ENTIRE CASE MAY BE DISMISSED, WITHOUT FURTHER NOTICE TO EITHER PARTY.**

10:10 a.m. Matter concludes.

**LATER:**

**HEARING RE: CHILD SUPPORT ENFORCEMENT VACATED / RESET**

**IT IS ORDERED** vacating the **Hearing re: Child Support Enforcement** currently scheduled for December 14, 2011 at 1:00 p.m. and resetting same to **March 14, 2012 at 9:00 a.m.** before Commissioner Jacki Ireland, located at 14264 West Tierra Buena Lane, Courtroom 123, Surprise, Arizona 85374.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov>.